

00-00983

Rulemaking Hearing Rules  
of the  
Tennessee Regulatory Authority

Chapter 1220-4-2  
Regulations for Telephone Companies

Amendments

The title of Rule 1220-4-2-.56 Verification of Orders for Changes for Long Distance Carriers is amended so that, as amended, the title shall read: Verification of Orders for Changes for Local and Long Distance Carriers.

Subparagraph (d) of Paragraph (2) of Rule 1220-4-2-.56 Verification of Orders for Changes for Long Distance Carriers is amended so that, as amended, the subparagraph shall read:

- (d) In the case of a transfer of a customer base between two or more telecommunications service providers, the Authority, upon petition by the acquiring telecommunications service provider, may deem that sufficient notice has been given and approval received from the affected customers when the following criteria are met:
  - 1. The acquiring telecommunications service provider shall provide the Authority a copy of the self-certification letter it shall file with the Federal Communications Commission ("FCC"), as required in CC Docket No. 00-257, certifying that the customer transfer is in compliance with all FCC regulations governing such transactions.
  - 2. A notification letter, pre-approved by the Authority, shall be mailed by U.S. First Class Postage by the telecommunications service provider being acquired to its customers describing the customer transfer and explaining that the customers' local or long distance service will be transferred to the acquiring telecommunications service provider by a certain date unless the customer selects another telecommunications service provider. This customer notification shall be mailed to the customers no less than thirty (30) days prior to the actual customer transfer. The notification letter required by the FCC may be used for the notification purposes of this part. The Authority may waive the thirty (30) day notice requirement of this part for good cause shown.

3. The acquiring telecommunications service provider agrees to pay any fees charged to the customer associated with changing service to the acquiring telecommunications service provider. The notification letter required in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.
4. The acquiring telecommunications service provider agrees to provide to the affected customers a thirty (30) day written notice of any rate increase that may affect their service up to ninety (90) days from the date of the transfer of customers. The notification letter mentioned in 1220-4-2-.56(2)(d)(2) shall inform the customer of this provision.

Subparagraph (e) of Paragraph (2) of Rule 1220-4-2-.56 Verification of Orders for Changes for Long Distance Carriers is amended so that, as amended, the subparagraph shall read:

- (e) To provide evidence of a valid change order, telecommunications providers may elect to audio record the verbal authorization obtained by the independent third party verifier under Rule 1220-4-2-.56(2)(c)(1). Failure to audio record or to produce such audio recording upon request of the Consumer Services Division of the Authority shall create a rebuttable presumption that the verbal authorization from the end user was not obtained.

Paragraph (2) of Rule 1220-4-2-.56 Verification of Orders for Changes for Long Distance Carriers is amended by adding the following new subparagraph so that, as amended, the subparagraph shall read:

- (f) All LOAs, recordings or any other evidence of change orders shall be maintained by the submitting carrier and the local exchange carrier for one year for dispute resolution and shall be provided to the Authority upon request.


Authority: T.C.A. §§ 4-5-201 et seq., 65-2-102, 65-4-104, 65-4-123, 65-4-125 and 47 USC 258.

Legal Contact and/or party who will approve final copy for publication:

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Signature of the agency officer or officers directly responsible for proposing and/or drafting these rules:

  
K. David Waddell,  
Executive Secretary

The roll-call vote by the Tennessee Regulatory Authority on these rulemaking hearing rules was as follows:

|                         | Aye      | No  | Abstain |
|-------------------------|----------|-----|---------|
| Sara Kyle, Chairman     | <u>X</u> | ___ | ___     |
| Lynn Greer, Director    | <u>X</u> | ___ | ___     |
| Melvin Malone, Director | <u>X</u> | ___ | ___     |

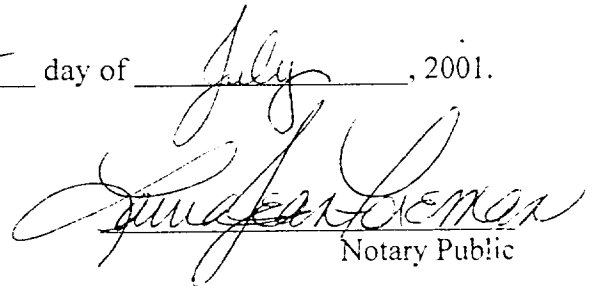
I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Regulatory Authority on the 12th day of June, 2001.

Further, I certify that the provisions of T.C.A. §4-5-222 have been fully complied with, that these rules are properly presented for filing, a notice of rulemaking has been filed in the Department of State on the 31st day of October, 2000 and such notice of rulemaking hearing having been published in the November, 2000 issue of the Tennessee Administrative Register, and such rulemaking hearing having been conducted pursuant thereto on the 18th day of December, 2000.



K. David Waddell,  
Executive Secretary

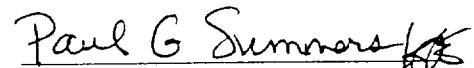
Subscribed and sworn to before me this the 5 day of July, 2001.



Notary Public

My commission expires on 4-7-2003.

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

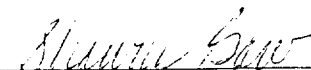


Paul G. Summers  
Attorney General and Reporter

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 31st day of October, 2001 and will become effective on the 14th day of January, 2001 2002



Riley C. Darnell  
Secretary of State

By: 

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